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whom in this instance would have been educated in different systems of law, and there could be no better way in which the court could become an organized working body than by applying itself to the decision of questions of fact and law of the character I have mentioned. Of course the important questions would not come immediately unless by accident, but there can be no doubt that as decision followed decision; as the rights of litigants were more carefully defined and fixed; as the manner in which the court approached its work was better understood; as the judicial character of its decrees was recognized, questions affecting the honor and vital interests of nations would not be withheld from it.

Both the President and President-elect of the United States are happily in full accord with the aims and purposes of this society. It is therefore appropriate that this organization should call their attention to the unexampled opportunity which is open to immediately establish an institution which will certainly be of great and lasting benefit to mankind, and perhaps in the course of years may become almost a guarantee of peace among the nations, by providing a means whereby even questions affecting national honor may be decided in the judicial chamber rather than upon the field of battle.

### The Appeal of the Navy League.

By Charles Richardson.

The Navy League has recently issued an appeal for signatures to a petition asking Congress to reorganize the personnel of the navy, and to adopt as "a policy for building up the navy a continuing and consistent program of naval construction, to be determined by a Council of National Defense, which should take into consideration the naval programs and military strength of possible opponents."

The obvious purpose of the league is to remove the question as far as possible from the direct control of the people, and to give a council of naval and military experts an almost unlimited power to increase the armies and navies of the United States and to multiply the burdens imposed upon the people and the business of every State and section.

Of course the plan proposed would greatly promote the personal ambitions and interests of the naval and military officers and contractors, and in view of the origin of the petition it is not surprising to find that its "sixty-seven reasons for a strong navy" are exceedingly one-sided and misleading. The limits of this note will not permit a discussion of all of these so-called reasons, but a brief comment upon some of them and upon the paper as a whole may be useful.

As might have been expected, no portrayal of the horrors and miseries of war; no description of its terrible waste of human life and health and treasure; no account of the almost equal loss and suffering caused by the conscription and maintenance of great armies and navies in times of peace, and no fair statement as to the historic results of international arbitrations can be found on the pages of this remarkable appeal. They can also be searched in vain for any allusion to the fact that when one nation increases its fighting forces it causes other nations to do the same, so that their relative strength or power to hurt each other remains as

before, and their only change is their mutual progress in the direction of grinding poverty and ultimate bankruptcy. This has been so often demonstrated and is so plain to those who are not afflicted with the special blindness of army and navy advocates that the omission of any allusion to it is particularly noticeable.

Some of the "sixty-seven reasons for a strong navy" are based upon the achievements of our vessels in scientific and humanitarian work and in the suppression of piracy, the destruction of slave ships, and the restraint of barbarism. But these achievements have no bearing on the question of whether it is necessary for us to have what is now understood as a great navy. The usefulness of a marine police sufficient for such purposes is generally conceded, but it by no means follows that we should therefore have a navy larger than we now have.

The old arguments that a great navy is a school of courage and efficiency, and that the money which it costs is paid to the natives of the country which supports it, are urged with apparent ignorance of the fact, so often shown, that these objects can be attained in better and vastly more useful ways.

References are made to occasions when the navies of different nations, including our own, have defeated or prevented the wrongful aggressions of other navies, but there is no mention of the obvious truth that it was the existence of those other navies that made such aggressions possible, and that the only way to avoid them in future is to set the example and use every possible influence to check the increase of navies and to secure their gradual reduction.

The argument that a great navy is necessary for the enforcement of some of our national policies is an evident fallacy, because there is no probability that policies which are in accord with international justice and the rights of others will lead to war, and if we have any policies of a contrary character the sooner they are modified or abandoned the better.

Much stress is laid upon the theory that our own security must depend upon our being strong enough to defeat any other nation; but no effort is made to achieve the impossible task of showing that there is any nation in the world which could gain any permanent advantage by attacking us or any nation which would not have more reasons for helping us to defend ourselves than for fighting us.

Although the petition as a whole is plausibly worded, the arguments already familiar to the peacemakers of the world are more than sufficient for its complete refutation; but if it should be pressed in Congress by the powerful influences now urging its support, it should be vigorously opposed by the organs of public opinion and by the friends and leaders of the great movement for international justice, arbitration, and a world court.

PHILADELPHIA, *January 20, 1913.*

### The Panama Canal Bill.

Repeal of the Exemption Clause Proposed  
By Rear Admiral Chester.

"It is better to be right than to have the Panama Canal." These were the ringing words with which Rear Admiral Chester, U. S. N., retired, closed an impressive address, with the applause of a large gathering of representative men at the Boston City Club on January 9.

Admiral Chester took the ground that the exemption of American coastwise shipping was absolutely in contradiction to the wording of the Hay-Pauncefote treaty, which obliged the United States to open the canal to all nations on terms of entire equality and without discrimination, provided they complied with the terms of neutrality. The exemption clause was also contrary to the spirit of all the negotiations relating to the isthmian canal, from the Clayton-Bulwer treaty of 1850 down to the treaty of Panama in 1904. Furthermore, it was wrong to say that the exemption of coastwise vessels of the United States would result in no discrimination. He instanced the discrimination that would necessarily result in a supposed case of a British vessel sailing from St. Andrews, N. B., and an American vessel from Belfast, Maine, points comparatively near together on the Canadian and the United States coast, the Canadian ship going to Victoria, B. C., and the American ship going to Port Townsend, Washington. The British vessel is charged at the rate of from \$0.75 to \$1.25 per ton for her cargo, while the American vessel is given free passage through the canal. "Are these vessels on terms of 'entire equality,' as is required by the treaty?" asked the Admiral. "Many other cases of seeming flagrant injustice might be cited, but I think this enough to show that England has 'probable cause,' at least, to make formal protest against the action of the American Government regarding the Hay-Pauncefote treaty."

Admiral Chester takes issue with those who believe that radical changes in the sovereignty exercised over the canal zone have made the Hay-Pauncefote treaty subject to abrogation, but holds that, on the other hand, Article IV of the treaty itself makes abrogation impossible, as stipulation is made that "no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

Admiral Chester favored arbitrating the case if we must, but preferred the repeal of the exemption clause by Congress. "Let us," he said, "do what England did for us at one time when the United States protested against unfair treatment in the matter of Canadian canal tolls. She caused the orders of the Canadian government to be revoked, and acknowledged that a mistake had been made. It is better to be right than to have the Panama Canal."

The views of the Admiral were supported by Dr. Tryon, who advised the repeal of the exemption clause by Congress. "As we cannot honorably abrogate the treaty," he said, "the only alternative would be arbitration. In fact, if we are unwilling to settle the dispute by diplomatic action, based upon the repeal of the objectionable clause, by Congress, we have practically thrown the case on the Hague Court already. Questions arising over the interpretation of a treaty are particularly susceptible of arbitration. This is shown by a resolution unanimously passed by the Second Hague Conference, by the texts of many treaties in force today between nations in pairs, and by the spirit of the recent arbitration treaties negotiated by President Taft with Great Britain and France, which apply to international differences arising under a treaty or otherwise, and are our latest record of opinion on the subject. But by the Anglo-American Arbitration Treaty of 1908, which

the new treaty was intended to supersede, but did not, there would be a clear obligation to arbitrate upon which Great Britain might fairly rely, or by the precedent of the Fisheries case, which concerned the interpretation of the Convention of 1818.

"Several conditions conspire to weaken our case, or imperil it, if we should arbitrate it. Although we should have faith that the judges selected for an international tribunal summoned under the rules of the Hague Convention for the Pacific Settlement of International Disputes would be, as they have been, impartial, we should not ignore the very human problem that confronts us in this particular dispute. Nominally, it would be a case of Great Britain *vs.* The United States, but in reality a case of The World *vs.* The United States. For, as it is for the interest of all nations to have equality of treatment in the matter of Panama Canal tolls, the judges, even though neutrals, would have to be appointed from states who are interested parties and might be biased in favor of the British contention.

"Moreover, the opinions of leading American newspapers show that the moral sense of the nation is against the American interpretation of the Hay-Pauncefote treaty, while some of our most respected statesmen, among whom are gentlemen of the highest standing in international law, have openly expressed the opinion that the United States is in the wrong. And then there is the vote taken by the Senate at the time of the ratification of the treaty, by which the idea of exempting our coastwise shipping from the meaning of the clause was rejected. In an arbitration these facts would make our case a hard if not a losing one to plead.

"Under the circumstances, therefore, the most sensible and just course is for Congress to repeal the clause exempting American coastwise vessels from the payment of the Panama tolls."

### Book Notices.

**WOMAN'S SHARE IN SOCIAL CULTURE.** By Anna Garlin Spencer. 331 pages. Price, \$2 net. New York and London: Mitchell Kennerley.

Mrs. Spencer has given us in this volume a sane and reasonable and withal extremely well-written and interesting study of the vital problems that concern the womanhood of today. The chapters originally appeared as monthly articles in *The Forum*. They were written, however, as a continuous whole, and present to us first the Primitive Woman; the Ancient Woman, and the Modern Lady. Then we are brought by way of a historical sketch on the Drama of the Woman of Genius to the Day of the Spinster. In the chapter on the Pathology of Woman's Work we have presented the relationship of poverty and vice to the present position of women in the industrial field. Under the title of the Vocational Divide the author discusses the choice which has to be made by certain women of intelligence and marked ability between uninterrupted advance in a chosen career and the quieter field of service in the family. The School and the Feminine Ideal and the Social Use of the Post-graduate Mother present interesting educational questions, while the Problems of Marriage and Divorce are also clearly considered. In the closing section on Woman and the State Mrs. Spencer points out the lofty position women have often held in the past in the political arena, and indicates the